



U.S. Department of Justice  
Civil Division, Federal Programs Branch  
20 Massachusetts Avenue NW  
Washington, DC 20530

April 19, 2018

**By ECF**

The Honorable Nicholas G. Garaufis  
United States District Judge  
Eastern District of New York  
225 Cadman Plaza East  
Brooklyn, New York 11201

Re: *Batalla Vidal, et al., v. Nielsen, et al.* 16-cv-4756 (NGG) (JO)  
*State of New York, et al. v. Trump, et al.*, 17-cv-5228 (NGG) (JO)

Dear Judge Garaufis:

Defendants write regarding their recent motion for certification for interlocutory appeal under 28 U.S.C. § 1292(b), filed on Friday, April 13, 2018, *Batalla Vidal* ECF No. 264. The Court ordered that Plaintiffs’ “responses to the Motion, if any,” were due yesterday, April 18, 2018. Minute Order of April 13, 2018. Yesterday, the *Batalla Vidal* Plaintiffs filed an opposition brief. *Batalla Vidal* ECF No. 265. The *State of New York* Plaintiffs, however, did not file any opposition—consistent with their representation to counsel for the government that they take no position on the motion, and will seek expedited briefing in the Second Circuit if certification is granted. In response to the *Batalla Vidal* Plaintiffs’ opposition brief, Defendants write to respectfully notify the Court that the government does not intend to file any reply brief, unless the Court requests one. Accordingly, Defendants respectfully submit their motion as fully briefed for the Court’s consideration.

Defendants thank the Court for its consideration of this matter.

Respectfully submitted,

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